



General Assembly

January Session, 2003

Raised Bill No. 6594

LCO No. 3943

Referred to Committee on Government Administration and
Elections

Introduced by:
(GAE)

***AN ACT CONCERNING MUNICIPAL ETHICS, MUNICIPAL
WHISTLEBLOWER PROTECTIONS AND THE INVESTIGATION OF
MUNICIPAL CORRUPTION.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) Notwithstanding any
2 provision of the general statutes or any special act, municipal charter
3 or municipal ordinance, the provisions of sections 2 to 12, inclusive, of
4 this act shall apply to each town, city, borough and district, as defined
5 in section 7-324 of the general statutes, except that (1) the
6 establishment of an ethics agency by a town, city, borough or district
7 pursuant to section 7-148h of the general statutes, as amended by this
8 act, before the effective date of this section, shall supercede the
9 provisions of section 3 of this act requiring the establishment of a
10 municipal ethics commission, and (2) the provisions of any code of
11 ethical conduct adopted by a town, city, borough or district before or
12 after the effective date of this section under subdivision (10) of
13 subsection (b) of section 7-148 of the general statutes or section 7-148h
14 of the general statutes, as amended, shall supercede the provisions of
15 sections 2 to 12, inclusive, of this act only to the extent such municipal

16 code provides greater ethical protections than the provisions of
17 sections 2 to 12, inclusive, of this act.

18 Sec. 2. (NEW) (*Effective October 1, 2003*) As used in sections 2 to 12,
19 inclusive, of this act:

20 (1) "Business" means any entity through which business for profit or
21 not-for-profit is conducted, including a corporation, partnership,
22 proprietorship, firm, enterprise, franchise, association, organization or
23 self-employed individual.

24 (2) "Business with which he is associated" means a business of
25 which a public official or public employee or a member of his
26 immediate family is a director, officer, owner, employee, compensated
27 agent or holder of stock which constitutes five per cent or more of the
28 total outstanding stock of any class.

29 (3) "Code" means sections 2 to 12, inclusive, of this act.

30 (4) "Confidential information" means information, whether
31 transmitted orally or in writing, which is obtained by reason of the
32 public position or office held and is of such nature that it is not, at the
33 time of transmission, a matter of public record or public knowledge.

34 (5) "Commission" means a municipal ethics commission established
35 in section 3 of this act.

36 (6) "Financial interest" means any interest with a monetary value of
37 one hundred dollars or more or which generates a financial gain or
38 loss of one hundred dollars or more in a calendar year.

39 (7) "Gift" means anything of value, including entertainment, food,
40 beverage, travel and lodging given or paid to a public official or public
41 employee to the extent that consideration of equal or greater value is
42 not received. A gift does not include:

43 (A) A political contribution otherwise reported as required by law

44 or a donation or payment as described in subdivision (9) or (11) of
45 subsection (b) of section 9-333b of the general statutes;

46 (B) Services provided by persons volunteering their time;

47 (C) A commercially reasonable loan made on terms not more
48 favorable than loans made in the ordinary course of business;

49 (D) A gift received from (i) an individual's spouse, fiancé or fiancée,
50 (ii) the parent, brother or sister of such spouse or such individual, or
51 (iii) the child of such individual or the spouse of such child;

52 (E) Goods or services which are provided to the municipality or
53 special district and facilitate governmental action or functions;

54 (F) A certificate, plaque or other ceremonial award costing less than
55 one hundred dollars;

56 (G) A rebate or discount on the price of anything of value given in
57 the ordinary course of business without regard to the recipient's status;

58 (H) Printed or recorded informational material germane to
59 governmental action or functions;

60 (I) Items of nominal value, not to exceed ten dollars, containing or
61 displaying promotional material;

62 (J) An honorary degree bestowed upon a public official or public
63 employee by a public or private university or college;

64 (K) A meal provided at an event or the registration or entrance fee
65 to attend such an event, in which the public employee or public official
66 participates in said person's official capacity;

67 (L) A meal provided in the home by an individual who resides in
68 the municipality or special district; or

69 (M) Gifts in-kind of nominal value not to exceed twenty-five dollars

70 tendered on gift-giving occasions generally recognized by the public
71 including Christmas, Hanukkah, birthdays, the birth or adoption of a
72 child, weddings, confirmations or bar or bat mitzvahs, provided the
73 total value of such gifts in any calendar year do not exceed fifty
74 dollars.

75 (8) "Immediate family" means any spouse, child or dependent
76 relative who resides in the individual's household.

77 (9) "Individual" means a natural person.

78 (10) "Municipality" means a town, city or borough.

79 (11) "Official responsibility" means the direct administrative or
80 operating authority, whether intermediate or final and whether
81 exercisable personally or through subordinates, to approve,
82 disapprove or otherwise direct government action.

83 (12) "Person" means an individual, sole proprietorship, trust,
84 corporation, union, association, firm, partnership, committee, club or
85 other organization or group of persons.

86 (13) "Personal interest" means an interest in any action taken by the
87 municipality or special district in which an individual will derive a
88 nonfinancial benefit or detriment but which will result in the
89 expenditure of municipal funds.

90 (14) "Public employee" means a person employed, whether full or
91 part time, by a municipality or a special district.

92 (15) "Public official" means an elected or appointed official, whether
93 paid or unpaid or full or part time, of a municipality or political
94 subdivision thereof, or a special district, including candidates for the
95 office and shall also include a district officer elected pursuant to
96 section 7-327 of the general statutes.

97 (16) "Special district" means a district established pursuant to

98 section 7-324 of the general statutes.

99 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) Each municipality and
100 special district shall establish a municipal ethics commission consisting
101 of five members. The members shall be appointed by unanimous vote
102 of the legislative body of the municipality or special district for a term
103 of three years, except that, of the initially appointed members, one
104 shall serve for one year, two for two years, and two for three years. No
105 individual shall be appointed to more than one three-year term,
106 provided a member may continue in office until a successor has been
107 appointed. No more than three shall be members of the same political
108 party. Two or more municipalities or special districts may jointly
109 establish a municipal ethics commission required under this section.

110 (b) All members of a municipal ethics commission shall be electors
111 of the municipality or special district establishing the commission. No
112 member shall: (1) Hold or campaign for any public office; (2) have
113 held public office or have been a candidate for public office for a two-
114 year period prior to appointment; (3) hold office in any political party
115 or political committee; or (4) serve as a member of any other agency of
116 such municipality or district.

117 (c) (1) Although any member or employee of a commission shall
118 have an unrestricted right to vote, make political contributions or
119 attend fundraising or other political events, no member or employee
120 shall publicly support any candidate for any municipal or special
121 district office subject to the commission's jurisdiction, including, but
122 not limited to, volunteering as a campaign worker, giving a speech at
123 a political event or formally endorsing a candidate. (2) No candidate
124 for municipal or special district office may disseminate information
125 that indicates that a commission member or employee supports the
126 candidate's candidacy.

127 (d) The members of a commission shall elect a chairperson who
128 shall preside at meetings of the commission and a vice-chairperson to
129 preside in the absence of the chairperson. Three members shall

130 constitute a quorum. A majority vote of the commission shall be
131 required for action of the commission. The chairperson or any three
132 members may call a meeting of the commission.

133 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) The municipal ethics
134 commission shall: (1) Compile and maintain a record of all reports,
135 advisory opinions, statements and memoranda filed by and with the
136 commission to facilitate public access to such reports and statements;
137 (2) issue advisory opinions with regard to the requirements of this
138 code upon the request of any person. Advisory opinions rendered by
139 the commission, until amended or revoked, shall be binding on the
140 commission and shall be deemed to be final decisions of the
141 commission. Any advisory opinion concerning the person who
142 requested the opinion and who acted in reliance thereon, in good faith,
143 shall be an absolute defense in any matter brought under the
144 provisions of this code; and (3) report annually on or before February
145 first to the legislative body of the municipality or special district,
146 summarizing the activities of the commission.

147 (b) The commission may adopt, after a public hearing, rules and
148 regulations not inconsistent with the code for the administration and
149 implementation of the code.

150 (c) The commission may employ necessary staff or outside counsel
151 within available appropriations.

152 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) (1) Upon the complaint of
153 any person on a form prescribed by the municipal ethics commission,
154 signed under penalty of false statement, or upon its own complaint,
155 the commission shall investigate any alleged violation of the code.

156 (2) Not later than ten days after the receipt or issuance of such
157 complaint, the commission shall provide notice of such receipt or
158 issuance and a copy of the complaint by registered or certified mail to
159 any respondent against whom such complaint is filed and shall
160 provide notice of the receipt of such complaint to the complainant.

161 (3) If the complaint has been filed by a member of the public, the
162 commission shall review the complaint to determine whether or not
163 the allegations contained therein constitute a violation of any provision
164 of the code. If the commission determines that the complaint does not
165 allege sufficient acts to constitute a violation, the commission shall
166 dismiss the complaint and duly notify the complainant and respondent
167 by registered or certified mail.

168 (4) If the commission determines that the complaint alleges
169 sufficient acts to constitute a violation, then within thirty days after so
170 determining, the commission shall fix a date for the commencement of
171 the hearing on the allegation contained in the complaint. The hearing
172 date regarding any complaint shall be not more than sixty days after
173 the filing of the complaint.

174 (b) (1) In the conduct of its investigation of an alleged violation of
175 the code, the commission shall have the power to hold hearings,
176 administer oaths, examine witnesses, receive oral and documentary
177 evidence, subpoena witnesses and require the production for
178 examination by the commission of any books and papers which the
179 commission deems relevant in any matter under investigation or in
180 question. In the exercise of such powers, the commission may use the
181 services of the municipal police, who shall provide the same upon the
182 commission's request.

183 (2) The respondent shall have the right to appear and to be
184 represented by legal counsel and to examine and cross-examine
185 witnesses at any such hearing. Any hearing conducted by the
186 commission shall be governed by the administrative rules of evidence.

187 (c) The commission shall make no finding that there is a violation of
188 any provision of the code except upon the concurring vote of at least
189 four of its members.

190 (d) No complaint may be made under the code except within five
191 years after the violation alleged in the complaint has been committed.

192 (e) No person shall take or threaten to take official action against an
193 individual for such individual's disclosure of information to the
194 commission under the provisions of the code. After receipt of
195 information from an individual, the commission shall not disclose the
196 identity of such individual without the individual's consent unless the
197 commission determines that such disclosure is unavoidable during the
198 course of an investigation.

199 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) Each complaint under
200 section 5 of this act and the record of the commission's investigation
201 shall remain confidential, except upon the request of the respondent,
202 unless the commission determines that there is probable cause that a
203 violation was committed. No complainant, respondent, witness,
204 designated party or commission or staff member shall disclose to any
205 third party any information learned from an investigation of a
206 complaint, including knowledge of the existence of a complaint, which
207 the disclosing party would not otherwise have known.

208 (b) The commission shall inform the complainant and the
209 respondent of its finding with regard to the complaint and provide
210 them a summary of its reasons for making such a finding by registered
211 or certified mail not later than three business days after termination of
212 the hearing. The commission shall make public a finding of a violation
213 not later than five business days after the termination of the hearing.
214 At such time, the entire record of the investigation shall become public.

215 (c) Any respondent aggrieved by a decision of the commission
216 regarding a finding of a violation may, within thirty days, take an
217 appeal to the superior court for the judicial district in which the
218 municipality or special district is located.

219 Sec. 7. (NEW) (*Effective October 1, 2003*) Violation of any provision of
220 sections 8 to 12, inclusive, of this act shall constitute grounds for, and
221 may be punished by (1) public censure and reprimand, (2) in the case
222 of a public employee, dismissal from employment or suspension from
223 employment for not more than ninety days without pay, (3) a civil

224 penalty of not more than five thousand dollars per violation, or (4)
225 restitution of any pecuniary benefits received because of the violation
226 committed.

227 Sec. 8. (NEW) (*Effective October 1, 2003*) (a) No public employee or
228 public official shall engage in or participate in any business or
229 transaction, including outside employment with a private business, or
230 have an interest, direct or indirect, that is incompatible with the proper
231 discharge of the employee's or official's responsibilities in the public
232 interest or that would tend to impair the employee's or official's
233 independent judgment or action in the performance of the employee's
234 or official's responsibilities.

235 (b) (1) No public employee or public official shall solicit or accept
236 any gift from any person that, to the employee's or official's
237 knowledge, is interested in any pending matter within such
238 individual's official responsibility.

239 (2) If a prohibited gift is offered, the employee or official shall refuse
240 it, return it, pay the donor the full value of the gift or donate it to a
241 nonprofit organization, provided the employee or official does not take
242 the corresponding tax deduction or credit. Alternatively, the gift may
243 be deemed to be a gift to the municipality or special district, provided
244 it remains in the municipality's or special district's possession
245 permanently.

246 (c) (1) A public employee or public official shall refrain from voting
247 upon or otherwise participating in any matter on behalf of the
248 municipality or special district if he, a business with which he is
249 associated, or a member of his immediate family, has a financial or
250 personal interest in the matter, including, but not limited to, the sale of
251 real estate, material, supplies or services to the municipality or special
252 district.

253 (2) If such participation is within the scope of the public employee's
254 or public official's official responsibility, the employee or official shall

255 provide written disclosure, which sets forth in detail the nature and
256 extent of such interest, to the commission.

257 (3) Notwithstanding the prohibition in subdivision (1) of this
258 subsection, a public employee or public official may vote or otherwise
259 participate in a matter that involves a determination of general policy
260 if the employee's or official's interest in the matter is shared with a
261 substantial segment of the population of the municipality or special
262 district.

263 (d) (1) Except for a public official who receives no compensation for
264 service to the municipality or special district other than per diem
265 payments and reimbursement of expenses, no public employee or
266 public official shall appear on behalf of private interests before any
267 board, agency, or committee of the municipality or special district.

268 (2) Except for a public official who receives no compensation for
269 service to the municipality or special district other than per diem
270 payments and reimbursement of expenses, no public employee or
271 public official shall represent private interests against the interest of
272 the municipality or special district in any litigation to which the
273 municipality or special district is a party.

274 (e) Nothing in the code shall prohibit or restrict a public employee
275 or public official from appearing before any board or commission of
276 the municipality or special district on the employee's or official's own
277 behalf, or from being a party in any action, proceeding or litigation
278 brought by or against the public employee or public official to which
279 the municipality or special district is a party.

280 (f) No public employee or public official shall disclose confidential
281 information concerning municipal affairs, nor shall a public employee
282 or public official use such information for the financial interests of the
283 employee or official or others.

284 (g) No public employee or public official shall request or permit the

285 use of municipally-owned vehicles, equipment, facilities, materials or
286 property for personal convenience or profit, except when such are
287 available to the public generally or are provided as municipal policy
288 for the use of such public employee or public official in the conduct of
289 official business.

290 (h) No public employee or public official, or a business with which
291 he is associated, or a member of his immediate family shall enter into a
292 contract with the municipality or special district unless the contract is
293 awarded through a process of public notice and competitive bidding.

294 (i) No public employee or public official may use the employee's or
295 official's position or office for the financial benefit of the employee or
296 official, a business with which he is associated or a member of his
297 immediate family.

298 (j) No public employee or public official shall accept a fee or
299 honorarium for an article, appearance or speech, or for participation at
300 an event, in the employee's or official's official capacity.

301 (k) No public employee or public official, or member of such
302 individual's immediate family or business with which he is associated,
303 shall solicit or accept anything of value, including, but not limited to, a
304 gift, loan, political contribution, reward or promise of future
305 employment based on any understanding that the vote, official action
306 or judgment of the public employee or public official would be or had
307 been influenced thereby.

308 Sec. 9. (NEW) (*Effective October 1, 2003*) (1) No paid consultant of a
309 municipality or special district shall represent a private interest in any
310 action or proceeding against the interest of the municipality or special
311 district that is in conflict with the performance of said person's duties
312 as a consultant.

313 (2) No paid consultant may represent anyone other than the
314 municipality or special district concerning any matter in which the

315 consultant participated personally and substantially as a consultant to
316 the municipality or special district.

317 (3) No paid consultant shall disclose confidential information
318 learned while performing the consultant's duties for the municipality
319 or special district nor shall the consultant use such information for the
320 financial interests of the consultant or others.

321 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) No former public
322 employee or public official shall appear for compensation before any
323 municipal or special district board or agency in which the employee or
324 official was formerly employed at any time within a period of one year
325 after termination of the employee's or official's service with the
326 municipality or special district.

327 (b) No former public employee or public official shall represent
328 anyone other than the municipality or special district concerning any
329 particular matter in which the employee or official participated
330 personally and substantially while in municipal service.

331 (c) No former public employee or public official shall disclose or use
332 confidential information acquired in the course of and by reason of the
333 employee's or official's official duties, for financial gain for himself or
334 others.

335 (d) No former public employee or public official who participated
336 substantially in the negotiation or award of a municipal or special
337 district contract obliging the municipality or special district to pay an
338 amount of one hundred thousand dollars or more, or who supervised
339 the negotiation or award of such a contract shall accept employment
340 with a party to the contract other than the municipality or special
341 district for a period of one year after such contract is signed.

342 Sec. 11. (NEW) (*Effective October 1, 2003*) (a) All public officials, and
343 such public employees as the chief elected official of the municipality
344 or special district shall designate, shall file with the municipal ethics

345 commission, under penalty of false statement, a statement of financial
346 interests for any calendar year in which the official or employee serves
347 in an office or position, on or before the following May first. Any such
348 individual who leaves such office or position shall file a statement of
349 financial interests covering that portion of the year during which the
350 individual held the office or position. The municipal ethics commission
351 shall notify such individuals of the requirements of this subsection
352 within thirty days after their departure from such office or position.
353 Such individuals shall file such statement within sixty days after
354 receipt of the notification.

355 (b) The statement of financial interests shall include the following
356 information for the preceding calendar year in regard to the individual
357 required to file the statement and the individual's spouse and
358 dependent children residing in the individual's household: (1) The
359 names of all businesses with which associated; (2) the names of all
360 employers; (3) the names and addresses of specific clients, patients and
361 customers, except when such information is privileged against
362 disclosure under the law or where the ethical standards of a
363 professional group, society or organization of which the individual is a
364 member prohibit such disclosure without the consent of the client,
365 patient or customer involved, who provided more than ten thousand
366 dollars of net income including clients and customers who provided
367 more than ten thousand dollars of net income to any business with
368 which the individual was associated, amounts of income not to be
369 specified; (4) the names of securities in excess of ten thousand dollars
370 at fair market value owned by such individual, spouse or dependent
371 children or held in the name of a corporation, partnership or trust for
372 the benefit of such individual, spouse or dependent children; (5) all
373 real property located within the municipality or special district,
374 whether owned by such individual, spouse or dependent children or
375 held in the name of a corporation, partnership or trust for the benefit of
376 such individual, spouse or dependent children; (6) the names and
377 addresses of creditors to whom the individual, or the individual's
378 spouse or dependent children, individually, owed debts of more than

379 ten thousand dollars; and (7) any leases or contracts with the
380 municipality or special district held or entered into by the individual
381 or a business with which he was associated.

382 (c) The statement of financial interests filed pursuant to this section
383 shall be a public record subject to disclosure under the Freedom of
384 Information Act, as defined in section 1-200 of the general statutes.

385 (d) Any individual who is unable to provide information required
386 under the provisions of subsection (b) of this section by reason of
387 impossibility may petition the commission for a waiver of said
388 provisions.

389 Sec. 12. (NEW) (*Effective October 1, 2003*) The municipal clerk of a
390 municipality shall cause a copy of the code to be distributed to every
391 public employee and public official of the municipality or any special
392 district located within the municipality, not later than sixty days after
393 the effective date of this section. Each public employee and public
394 official who is hired after the effective date of this section shall be
395 furnished a copy of the code before entering upon the duties of the
396 employee's or official's office or employment. A signed receipt for all
397 copies shall be returned to the town clerk and retained on file.

398 Sec. 13. Section 7-148h of the general statutes is repealed and the
399 following is substituted in lieu thereof (*Effective October 1, 2003*):

400 [(a)] Any town, city, district, as defined in section 7-324, or borough
401 may, by charter provision or ordinance, establish a board, commission,
402 council, committee or other agency to investigate allegations of
403 unethical conduct, corrupting influence or illegal activities levied
404 against any official, officer or employee of such town, city, district or
405 borough. [The provisions of subsections (a) to (e), inclusive, of section
406 1-82a shall apply to allegations before any such agency of such
407 conduct, influence or activities, to an investigation of such allegations
408 conducted prior to a probable cause finding, and to a finding of
409 probable cause or no probable cause. Any board, commission, council,

410 committee or other agency established pursuant to this section may
411 issue subpoenas or subpoenas duces tecum, enforceable upon
412 application to the Superior Court, to compel the attendance of persons
413 at hearings and the production of books, documents, records and
414 papers.]

415 [(b) Notwithstanding the provisions of any special act, municipal
416 charter or ordinance to the contrary, an elected official of any town,
417 city, district or borough that has established a board, commission,
418 council, committee or other agency under subsection (a) of this section,
419 has an interest that is in substantial conflict with the proper discharge
420 of the official's duties or employment in the public interest and of the
421 official's responsibilities as prescribed by the laws of this state, if the
422 official has reason to believe or expect that the official, the official's
423 spouse or dependent child, or a business with which he is associated,
424 as defined in section 1-79, will derive a direct monetary gain or suffer a
425 direct monetary loss, as the case may be, by reason of the official's
426 official activity. Any such elected official does not have an interest that
427 is in substantial conflict with the proper discharge of the official's
428 duties in the public interest and of the official's responsibilities as
429 prescribed by the laws of this state, if any benefit or detriment accrues
430 to the official, the official's spouse or dependent child, or a business
431 with which he, his spouse or such dependent child is associated as a
432 member of a profession, occupation or group to no greater extent than
433 to any other member of such profession, occupation or group. Any
434 such elected official who has a substantial conflict may not take official
435 action on the matter.]

436 Sec. 14. (NEW) (*Effective October 1, 2003*) (a) Any person having
437 knowledge of any matter involving corruption, unethical practices,
438 violation of state laws or regulations or a special act, municipal charter
439 or municipal ordinance, mismanagement, gross waste of funds, abuse
440 of authority or danger to the public safety, with regard to or occurring
441 in a department or agency of a municipality or special district, or any
442 person having knowledge of any matter involving corruption,

443 violation of state or federal laws or regulations or a special act,
444 municipal charter or municipal ordinance, gross waste of funds, abuse
445 of authority or danger to the public safety occurring in any large
446 municipal or special district contract, may transmit all facts and
447 information in such person's possession concerning such matter to the
448 Auditors of Public Accounts. The Auditors of Public Accounts shall
449 review such matter and report their findings and any
450 recommendations to the Attorney General. Upon receiving such a
451 report, the Attorney General shall make such investigation as the
452 Attorney General deems proper. At the request of the Attorney
453 General or on their own initiative, the auditors shall assist in the
454 investigation. The Attorney General shall have power to summon
455 witnesses, require the production of any necessary books, papers or
456 other documents and administer oaths to witnesses, where necessary,
457 for the purpose of investigation. Upon the conclusion of the Attorney
458 General's investigation, the Attorney General shall where necessary,
459 report the Attorney General's findings to the Governor, or in matters
460 involving criminal activity, to the Chief State's Attorney. The Auditors
461 of Public Accounts and the Attorney General shall not, after receipt of
462 any information from a person under the provisions of this section,
463 disclose the identity of such person without the person's consent
464 unless the Auditors of Public Accounts or the Attorney General
465 determine that such disclosure is unavoidable during the course of the
466 investigation.

467 (b) (1) No municipal or special district officer or employee, no
468 officer or employee of a large municipal or special district contractor
469 and no appointing authority shall take or threaten to take any
470 personnel action against any municipal or special district employee or
471 any employee of a large municipal or special district contractor in
472 retaliation for such employee's disclosure of information to the
473 Auditors of Public Accounts or the Attorney General under the
474 provisions of subsection (a) of this section.

475 (2) If a municipal or special district employee or an employee of a

476 large municipal or special district contractor alleges that a personnel
477 action has been threatened or taken in retaliation for such employee's
478 disclosure of information to the Auditors of Public Accounts or the
479 Attorney General under the provisions of subsection (a) of this section,
480 the employee may notify the Attorney General, who shall investigate
481 pursuant to subsection (a) of this section. After the conclusion of such
482 investigation, the Attorney General, the employee or the employee's
483 attorney may file a complaint concerning such personnel action with
484 the Chief Human Rights Referee designated under section 46a-57 of
485 the general statutes. The Chief Human Rights Referee shall assign the
486 complaint to a human rights referee appointed under section 46a-57 of
487 the general statutes, who shall conduct a hearing and issue a decision
488 concerning whether the officer or employee taking or threatening to
489 take the personnel action violated any provision of this section. If the
490 human rights referee finds such a violation, the referee may award the
491 aggrieved employee reinstatement to the employee's former position,
492 back pay and reestablishment of any employee benefits to which the
493 employee would otherwise have been eligible if such violation had not
494 occurred, reasonable attorneys' fees, and any other damages. For the
495 purposes of this subsection, such human rights referee shall act as an
496 independent hearing officer. The decision of a human rights referee
497 under this subsection may be appealed by any person who was a party
498 at such hearing, in accordance with the provisions of section 4-183 of
499 the general statutes.

500 (3) The Chief Human Rights Referee shall adopt regulations, in
501 accordance with the provisions of chapter 54 of the general statutes,
502 establishing the procedure for filing complaints and noticing and
503 conducting hearings under subdivision (2) of this subsection.

504 (4) As an alternative to the provisions of subdivisions (2) and (3) of
505 this subsection: (A) A municipal or special district employee who
506 alleges that a personnel action has been threatened or taken may, if
507 covered by a collective bargaining contract, file an appeal in
508 accordance with the procedure provided by such contract, or (B) an

509 employee of a large municipal or special district contractor alleging
510 that such action has been threatened or taken may, after exhausting all
511 available administrative remedies, bring a civil action in accordance
512 with the provisions of subsection (c) of section 31-51m of the general
513 statutes.

514 (5) In any proceeding under subdivision (2), (3) or (4) of this
515 subsection concerning a personnel action taken or threatened against
516 any municipal or special district employee or any employee of a large
517 municipal or special district contractor, which personnel action occurs
518 within one year after the employee first transmits facts and
519 information concerning a matter under subsection (a) of this section to
520 the Auditors of Public Accounts or the Attorney General, there shall be
521 a rebuttable presumption that the personnel action is in retaliation for
522 the action taken by the employee under subsection (a) of this section.

523 (c) Any employee of a municipality, special district or large
524 municipal or special district contractor, who is found to have
525 knowingly and maliciously made false charges under subsection (a) of
526 this section shall be subject to disciplinary action by such employee's
527 appointing authority up to and including dismissal. In the case of a
528 municipal or special district employee covered by a collective
529 bargaining contract, such action shall be subject to appeal in
530 accordance with the procedure provided by such contract.

531 (d) On or before September first, annually, the Auditors of Public
532 Accounts shall submit to the clerk of each house of the General
533 Assembly a report indicating the number of matters for which facts
534 and information were transmitted to the auditors pursuant to this
535 section during the preceding state fiscal year and the disposition of
536 each such matter.

537 (e) Each contract between a municipality or a special district and a
538 large municipal or special district contractor shall provide that, if an
539 officer, employee or appointing authority of a large municipal or
540 special district contractor takes or threatens to take any personnel

541 action against any employee of the contractor in retaliation for such
542 employee's disclosure of information to the Auditors of Public
543 Accounts or the Attorney General under the provisions of subsection
544 (a) of this section, the contractor shall be liable for a civil penalty of not
545 more than five thousand dollars for each offense, up to a maximum of
546 twenty per cent of the value of the contract. Each violation shall be a
547 separate and distinct offense and in the case of a continuing violation
548 each calendar day's continuance of the violation shall be deemed to be
549 a separate and distinct offense. The chief executive official of the
550 municipality or special district may request the Attorney General to
551 bring a civil action in the superior court for the judicial district of
552 Hartford to seek imposition and recovery of such civil penalty.

553 (f) Each large municipal or special district contractor shall post a
554 notice of the provisions of this section relating to such contractors in a
555 conspicuous place which is readily available for viewing by the
556 employees of the contractor.

557 (g) As used in this section:

558 (1) "Large municipal or special district contract" means a contract
559 between an entity and a municipality or special district, having a value
560 of five million dollars or more, except for a contract for the
561 construction, alteration or repair of any public building or public work;
562 and

563 (2) "Large municipal or special district contractor" means an entity
564 that has entered into a large municipal or special district contract with
565 a municipality or special district.

566 (3) "Municipality" means a town, city or borough.

567 (4) "Special district" means a district established pursuant to section
568 7-324 of the general statutes.

569 Sec. 15. Section 54-47c of the general statutes is repealed and the
570 following is substituted in lieu thereof (*Effective October 1, 2003*):

571 (a) Any judge of the Superior Court, Appellate Court or Supreme
572 Court, the Chief State's Attorney or a state's attorney may make
573 application to a panel of judges for an investigation into the
574 commission of a crime or crimes whenever such applicant has
575 reasonable belief that the administration of justice requires an
576 investigation to determine whether or not there is probable cause to
577 believe that a crime or crimes have been committed.

578 (b) Each application for an investigation into the commission of a
579 crime or crimes shall be made in writing upon oath or affirmation to a
580 panel of judges. Each application shall include the following
581 information: (1) The identity of the applicant and his authority to make
582 such application; (2) a full and complete statement of the facts and
583 circumstances relied upon by the applicant to justify his reasonable
584 belief that the investigation will lead to a finding of probable cause that
585 a crime or crimes have been committed; and (3) a full and complete
586 statement of the facts concerning all previous applications known to
587 the applicant, made to any panel of judges, for investigation of any one
588 or more of the same criminal offenses involving any of the same
589 persons specified in the application, including the action taken by the
590 panel on each such application. The panel of judges may require such
591 additional testimony or documentary evidence in support of facts in
592 the application as it deems necessary. Such additional testimony shall
593 be transcribed.

594 (c) If the application is made by the Chief State's Attorney or a
595 state's attorney, it shall also include (1) a full and complete statement
596 of the status of the investigation and of the evidence collected as of the
597 date of such application, (2) if other normal investigative procedures
598 have been tried with respect to the alleged crime, a full and complete
599 statement specifying the other normal investigative procedures that
600 have been tried and the reasons such procedures have failed, (3) if
601 other normal investigative procedures have not been tried, a full and
602 complete statement of the reasons such procedures reasonably appear
603 to be unlikely to succeed if tried or be too dangerous to employ, and

604 (4) a full and complete statement of the reasons for the applicant's
605 belief that the appointment of an investigatory grand jury and the
606 investigative procedures employed by such investigatory grand jury
607 will lead to a finding of probable cause that a crime or crimes have
608 been committed. Notwithstanding the provisions of this subsection,
609 the statements under subdivisions (2) and (3) of this subsection shall
610 not be required for an application for an investigation into the
611 commission of a crime or crimes involving corruption in the
612 government of a municipality.

613 (d) The panel may approve the application and order an
614 investigation into the commission of a crime or crimes if it finds that
615 (1) the administration of justice requires an investigation to determine
616 whether or not there is probable cause to believe that a crime or crimes
617 have been committed, (2) if the application was made by the Chief
618 State's Attorney or a state's attorney, other normal investigative
619 procedures with respect to the alleged crime have been tried and have
620 failed or reasonably appear to be unlikely to succeed if tried or be too
621 dangerous to employ, and (3) the investigative procedures employed
622 by an investigatory grand jury appear likely to succeed in determining
623 whether or not there is probable cause to believe that a crime or crimes
624 have been committed. Notwithstanding the provisions of this
625 subsection, the panel may approve the application and order an
626 investigation into the commission of a crime or crimes involving
627 corruption in the government of a municipality without making a
628 finding under subdivision (2) of this subsection.

629 Sec. 16. Section 54-47d of the general statutes is repealed and the
630 following is substituted in lieu thereof (*Effective October 1, 2003*):

631 (a) If the panel approves the application and orders an investigation
632 into the commission of a crime or crimes, the Chief Court
633 Administrator shall (1) appoint an investigatory grand jury to conduct
634 the investigation, and (2) designate the court location in the judicial
635 district where any motions to quash and any contempt proceedings

636 shall be heard and any findings and records of the investigation shall
637 be filed.

638 (b) Each order authorizing the investigation into the commission of
639 a crime or crimes by the panel shall specify: (1) The date of issuance of
640 the order, (2) the period of time within which the investigation is to be
641 conducted, provided in no event shall the investigation be longer than
642 six months from the date the Chief Court Administrator appoints the
643 investigatory grand jury to conduct the investigation, unless an
644 application for an extension of time is filed and granted pursuant to
645 subsection (c) of this section, (3) the scope of the investigation, and (4)
646 the panel's reasons for finding that (A) the administration of justice
647 requires an investigation to determine whether or not there is probable
648 cause to believe that a crime or crimes have been committed, (B) if the
649 application was made by the Chief State's Attorney or a state's
650 attorney, other normal investigative procedures with respect to the
651 alleged crime have been tried and have failed or reasonably appear to
652 be unlikely to succeed if tried or be too dangerous to employ, and (C)
653 the investigative procedures employed by the investigatory grand jury
654 appear likely to succeed in determining whether or not there is
655 probable cause to believe that a crime or crimes have been committed.
656 The panel shall retain a copy of the order and the original application
657 and shall transmit to the investigatory grand jury, appointed pursuant
658 to subsection (a) of this section, the original order and a copy of the
659 application filed with the panel. Notwithstanding the provisions of
660 this subsection, an order by the panel authorizing an investigation into
661 the commission of a crime or crimes involving corruption in the
662 government of a municipality shall not be required to include the
663 finding under subparagraph (B) of subdivision (4) of this subsection.

664 (c) The investigatory grand jury may make an application to the
665 panel of judges for an extension of time within which to conduct its
666 investigation or for an amendment to the scope of its investigation. The
667 application for extension or amendment shall set forth the reasons for
668 the necessity of such extension or amendment. No more than two

669 extensions or amendments of an order may be granted by the issuing
670 panel. The period of any extension shall be no longer than the panel
671 deems necessary to achieve the purposes for which it was granted and
672 in no event shall any extension be for a period longer than six months.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>

Statement of Purpose:

To (1) establish a code of ethics and an ethics commission for each municipality and special district, (2) apply whistleblower protections to employees of municipalities, special districts and large municipal or special district contractors, and (3) facilitate grand jury investigations into the commission of crimes involving corruption in municipal governments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]